S.B. CIVIL WRIT PETITION NO.7000/2003.
(MANPHOOL SINGH VS. UNION OF INDIA)

DATE OF ORDER : 26.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Shambhoo Singh for the petitioner.
Mr. M.S. Godara for the respondent/s.

The petitioner, a son of deceased employee of Prasar Bharti preferred a writ petition seeking appointment on compassionate grounds that was denied to him due to non availability of the vacancy. According to the averments contained in the writ petition, father of the petitioner Shri Babu Lal died on 06.06.1994 and thereafter the petitioner on acquiring the age of 18 years, submitted an application dated 29.05.2001 seeking appointment on compassionate grounds. The application submitted by the petitioner was rejected due to non availability of vacancy under the quota of 5% to the total vacancies of the direct recruitment.

The contention of counsel for the petitioner is that the respondents erroneously determined the vacancies pertaining to the direct recruitment and also that the respondents should have considered the candidature of the petitioner against the vacancies of subsequent years if no vacancy in the current year was available.

In reply to the writ petition, it is pointed out that as a matter of fact at first instance, immediately after death of Shri Babu Lal, mother of the petitioner submitted an application seeking appointment on compassionate grounds and by acting upon that she was instructed under a communication dated 13.09.1996 to report before the Superintending Engineer, High Power Voltage Centre, Aakashvani, Ajmer. The mother of the petitioner instead of reporting to the authority concerned, made a request to appoint her as peon instead of "Safai Wala". According to the respondents, as a matter of fact, the entire process of consideration for appointment on compassionate grounds, came to an end after non-reporting by the petitioner at Aakashvani, Ajmer.

Heard counsel for the parties.

It is well settled that appointment on compassionate grounds is a deviation from the principles of equality and that is only to meet harrness by the family of a deceased government servant. In the instant matter, Shri Babu Lal died in the year 1994 and subsequent thereto a valid offer was made by the employer to his widow to join services, but she did not choose to do so, therefore, no right exists with the petitioner to claim for appointment on compassionate grounds after acquiring the majority.

In totality of the facts and circumstances of the case, I do not find any merit in the petition for writ, the same, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/